IN THE UNITED STATES FEDERAL COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

Daniel Bryan Kelly,   *
                                       *
        Plaintiff,   *
                                       *   CV-05-1150-T
vs.   *
                                       *
Randy Owen,   *
                                       *
        Defendant.   *

DEFENDANT, DR. RANDALL WEAVER'S, MOTION FOR STAY PENDING DEPARTMENT OF HEALTH & HUMAN SERVICES' DETERMINATION

COMES NOW one of the Defendants, Dr. Randall Weaver, by and through the undersigned

attorneys, Alex L. Holtsford, Jr., and Rick A. Howard, and respectfully requests at least a 60-day stay

of all proceedings and discovery in this case. Health Services, Inc., who is believed to have employed

Dr. Weaver at the time of the facts giving rise to the lawsuit is a federally funded clinic for indigent

patients and comes within the provisions and protections of the Federal Tort Claims Act. The Federal

Tort Clams Act is administered by the Department of Health and Human Services, through the United

States Attorney, who will be representing Dr. Randall Weaver in this matter, provided that the Dept.

of Health and Human Services determines that Dr. Weaver is covered by the Federal Tort Claims Act.

The undersigned attorney has been advised that at least 60-days is needed in order for the Dept. of

Health and Human Services to make the official determination, pursuant to federal guidelines, as to

certain aspects of this case. Based upon the above, the undersigned attorney, on behalf of Health

Services, Inc., and Defendant, Dr. Weaver, respectfully requests a 60-day stay of all proceedings in this

matter.

DATED this _____28_____ day of December, 2005.

ALEX L. HOLTSFORD, JR. (HOL048)
RICK A. HOWARD (HOW045)
Attorneys For Health Services, Inc.

OF COUNSEL:
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CERTIFICATE OF SERVICE

I hereby certify that I have this day mailed, postage prepaid, an exact copy of the foregoing document to:

Richard Stockham, III
Stockham Carroll & Smith, PC
2204 Lakeshore Drive
Suite 114
Birmingham, Alabama

This the ___28___ day of December, 2005.

OF COUNSEL